

Last revised 12/1/11

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 13-28221
Roberto Roman and Tinisha Roman Judge: Kathryn C. Ferguson
Debtor(s) Chapter: 13

Chapter 13 Plan and Motions

- | | | |
|--|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input checked="" type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: April 10, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee, starting on _____ for approximately _____ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

The Debtors shall pay \$2,650.00 per month for 16 months beginning 5/1/2017

Creditor	Type of Priority	Amount to be Paid
Ryan Gentile	Attorney Fee	\$1,325.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Home Mortgage	Residence - 126 Park Avenue Old Bridge, NJ 08857	\$91,197.54	0%	\$91,197.54	\$3,813.97 with the possibility of adjustments to the above amount in the future pursuant to the terms of the loan

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
JP Morgan Chase Bank, N.A. Claim #15	126 Park Avenue Old Bridge, NJ 08857	\$145,522.96	\$435,000	Wells Fargo Home Mortgage \$526,511.51	No Value	N/A	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
Payments to Mfa Corp Account # 301435 securing a 2011 Ford Econoline E250 Van-V8 Cargo Van are current and unaffected by the Plan. Payments to Ally Financial Account # 020918307043 securing a 2010 Nissan Altima-V6 Coupe 2D are current and unaffected by the Plan.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☐ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served.

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan being confirmed pursuant to the terms as set forth in the plan.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
JP Morgan Chase Bank, N.A. Claim #15	126 Park Avenue Old Bridge, NJ 08857	\$145,522.96

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages 5) Priority Claims 6) General Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: April 7, 2017

Explain below **why** the plan is being modified:

To address the issues brought up by Wells Fargo's by Wells Fargo's amended proof of claim 14-3.

To change the plan to requiring notice

Explain below **how** the plan is being modified:

The Debtor's plan payment have changed to account for the amended proof of claim filed by Wells Fargo. The plan now pays the amended claim 14-3.

The plan has been changed to require notice.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: April 10, 2017

/s/ Ryan Gentile
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: April 10, 2017

/s/ Roberto Roman
Debtor

Date: April 10, 2017

/s/ Tinisha Roman
Joint Debtor

Imaged Certificate of Notice Page 8 of 9

United States Bankruptcy Court
District of New JerseyIn re:
Roberto Roman
Tinisha Roman
DebtorsCase No. 13-28221-KCF
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 43

Date Rcvd: Apr 11, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Apr 13, 2017.

db/jdb
cr
cr
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lm
514154331
514370298
514364176
514154334
514154336
514326857
514154338
514154337
514187931
514154339
514154340
514154341
514256382
516150514
514423748
515430113
514434470
514154343
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514154351
514154352
514154353
514154354

+Roberto Roman, Tinisha Roman, 126 Park Avenue, Old Bridge, NJ 08857-1226
+Midstate Federal Credit Union, 237 Rosevelt Avenue, Carteret, NJ 07008-3583
+WELLS FARGO BANK, N.A., 3476 Stateview Boulevard /MAC# X7801-014, Fort Mill, SC 29715-7200
+WELLS FARGO BANK, N.A., AS SERVICER FOR HSBC BANK, Phelan Hallinan & Schmieg, PC,
400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
+Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
+American Express, PO Box 3001, 16 General Warren Blvd, Malvern, PA 19355-1245
American Express Bank, FSB, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
American Express Centurion Bank, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
+Bank Of America, Attn: Bankruptcy NC4-105-0314, PO Box 26012, Greensboro, NC 27420-6012
+Cap One, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3440
Capital One, N.A., PO Box 71083, Charlotte, NC 28272-1083
+Chase, Po Box 15298, Wilmington, DE 19850-5298
+Chase, Po Box 24696, Columbus, OH 43224-0696
+Department Stores National Bank/Macys, Bankruptcy Processing, Po Box 8053,
Mason, OH 45040-8053
+Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
+Edwards & Edwards, PO Box 372, Jersey City, NJ 07303-0372
++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit Corporation, Ford Motor Credit, PO Box 6275,
Dearborn, MI 48121)
+Ford Motor Credit Company, KEITH B. MORGAN, Esquire, Morgan, Bornstein & Morgan,
1236 Brace Road, Suite K, Cherry Hill, NJ 08034-3229
+HSBC BANK USA, N.A. AS TRUSTEE FOR WELLS et.al., Wells Fargo Bank, N.A.,
Attention: Bankruptcy Department, MAC# D3347-014, 3476 STATEVIEW BOULEVARD,
FT. MILL SC 29715-7203
+HSBC Bank USA, National Association as Trustee for, c/o Zucker Goldberg & Ackerman,
200 Sheffied Street, Suite 301, Mountainside, NJ 07092-2315
+HSBC Bank USA, National Association as Trustee for, Wells Fargo Bank, N.A., as servicer,
ATTN: Bankruptcy Dept., MAC# D3347-014, 3476 Stateview Blvd., Fort Mill, SC 29715-7203
+JPMORGAN CHASE BANK, N.A., Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane,
Monroe, LA 71203-4774
+Law Offices of Harold E. Scherr, P.A., 1064 Greenwood Blvd., Suite 328,
Lake Mary, Florida 32746-5419
Mfa Corp, 90-100 Route 1 Nor, Avenel, NJ 07001
+Mid State Fcu, 237 Roosevelt Ave # 32, Carteret, NJ 07008-3533
+PANTERIS & PANTERIS LLP, 333 SYLVAN AVE, Suite 201, ENGLEWOOD CLIFFS, NJ 07632-2732
++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, Toyota Financial Services, PO Box 8026,
Cedar Rapids, IA 52408)
+Vzw Ne, Attention: Verizon Wireless Department, PO Box 3397, Bloomington, IL 61702-3397
++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
(address filed with court: Wells Fargo Home Mortgage, 8480 Stagecoach Cir,
Frederick, MD 21701)
#Zucker, Goldberg & Ackerman, LLC, 200 Sheffield Street, Suite 301, P.O. Box 1024,
Mountainside, NJ 07092-0024

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg

E-mail/Text: usanj.njbankr@usdoj.gov Apr 11 2017 22:48:25 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg
+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 11 2017 22:48:22 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
514154333 E-mail/Text: legal@arsnational.com Apr 11 2017 22:48:10 ARS National Services, Inc.,
PO Box 469048, Escondido, CA 92046-9048
514154330 +E-mail/Text: ally@ebn.phinsolutions.com Apr 11 2017 22:47:35 Ally Financial,
P O Box 380901, Bloomington, MN 55438-0901
514228790 +E-mail/Text: ally@ebn.phinsolutions.com Apr 11 2017 22:47:35 Ally Financial Inc.,
P O Box 130424, Roseville, MN 55113-0004
514276607 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 11 2017 22:50:59
American InfoSource LP as agent for, Verizon, PO Box 248838,
Oklahoma City, OK 73124-8838
514154332 +E-mail/Text: andy@sklarlaw.com Apr 11 2017 22:49:25 Andrew Sklar, Esq., Sklar-Markind,
102 Browning Lane, Building B, Suite 1, Cherry Hill, NJ 08003-3195
514154335 +E-mail/Text: ebn@squaretwofinancial.com Apr 11 2017 22:48:50 Cach Llc/Square Two Financial,
Attention: Bankruptcy, 4340 South Monaco St. 2nd Floor, Denver, CO 80237-3485
514154342 +E-mail/Text: fggbanko@fgny.com Apr 11 2017 22:47:44 Forster, Garbus & Garbus,
7 Banta Place, Hackensack, NJ 07601-5604
514154346 E-mail/Text: kmorgan@morganlaw.com Apr 11 2017 22:49:11 Morgan, Bornstein & Morgan,
1236 Brace Road, Suite K, Cherry Hill, NJ 08034-3269
514154348 +E-mail/Text: egssupportservices@egscorp.com Apr 11 2017 22:48:35 NCO FINANCIAL SYSTEMS INC.,
507 Prudential Road, Horsham, PA 19044-2308

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 43

Date Rcvd: Apr 11, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

514154347 +E-mail/Text: bankruptcydepartment@tsico.com Apr 11 2017 22:49:09 NCO Financial Systems,
PO Box 15773, Wilmington, DE 19850-5773
514414786 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 11 2017 22:51:05
Portfolio Recovery Associates, LLC, c/o Chase Bank Usa, N.a., POB 41067,
Norfolk VA 23541

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr HSBC Bank USA, National Association as Trustee for
514372893* American Express Bank, FSB, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
514402076* American Express Centurion Bank, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
514154350 ##+Ryan Gentile, 147 West 35th Street, Suite 1008, New York, NY 10001-2114

TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 13, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 10, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Allyson M Kiesel on behalf of Creditor JPMORGAN CHASE BANK, N.A. nj.bkecf@fedphe.com
Andrew L. Spivack on behalf of Creditor HSBC Bank USA, National Association as Trustee for
Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates Series 2006-12
nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor WELLS FARGO BANK, N.A.
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor HSBC Bank USA, National Association as Trustee for
Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates Series 2006-12
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Drew Edwards on behalf of Creditor Midstate Federal Credit Union drew@edwardslegal.com
John Philip Schneider on behalf of Creditor WELLS FARGO BANK, N.A., AS SERVICER FOR HSBC BANK
USA, NATIONAL ASSOCIATION AS TRUSTEE et.al. nj.bkecf@fedphe.com
Nicholas V. Rogers on behalf of Creditor HSBC Bank USA, National Association as Trustee for
Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates Series 2006-12
nj.bkecf@fedphe.com
R. A. Lebron on behalf of Creditor JPMORGAN CHASE BANK, N.A. bankruptcy@feinsuch.com
Ryan L. Gentile on behalf of Joint Debtor Tinisha Roman rlg@lawgmf.com,
rlgentile82@gmail.com;gmf@lawgmf.com;sp@lawgmf.com;firm@lawgmf.com
Ryan L. Gentile on behalf of Debtor Roberto Roman rlg@lawgmf.com,
rlgentile82@gmail.com;gmf@lawgmf.com;sp@lawgmf.com;firm@lawgmf.com

TOTAL: 13